

CITY OF SONOMA

SPECIAL MEETINGS OF THE CITY COUNCIL
MONDAY MAY 16, 2016



**JOINT STUDY SESSION WITH THE
PLANNING COMMISSION 5:00 – 7:00 P.M.
EMERGENCY OPERATIONS CENTER (EOC)
175 First Street West, Sonoma CA**

City Council
Laurie Gallian, Mayor
Madolyn Agrimonti, MPT
David Cook,
Gary Edwards
Rachel Hundley

&

**CONCURRENT MEETINGS OF THE SONOMA CITY COUNCIL & CITY COUNCIL AS THE
SUCCESSOR AGENCY TO THE DISSOLVED SONOMA COMMUNITY DEVELOPMENT
AGENCY, 7:00 P.M.**

Community Meeting Room, 177 First Street West, Sonoma CA

MINUTES

JOINT STUDY SESSION

Mayor Gallian called the meeting to order at 5:00 p.m.

CITY COUNCIL MEMBERS PRESENT: Hundley, Cook, Agrimonti, Edwards, and Gallian.

PLANNING COMMISSION MEMBERS PRESENT: Coleman, Cribb, McDonald, Sek, Wellander, Willers, and Felder. **ABSENT:** Roberson.

SS.1: Joint study session of the City Council and the Planning Commission to discuss housing issues.

Planning Director Goodison provided information regarding the City's Regional Housing Needs Assessment, the Housing Element site inventory, and various demographics related to Senior & Workforce Housing and the homeless. He provided a list of concepts that could promote the development of affordable housing.

City Councilmembers and Planning Commissioners shared their thoughts about the City's housing needs and ways to address it. Clm. Hundley stressed the need for workforce housing. Clm. Edwards stated that transportation also played a key role in affordability and he stated that interest rates were at an historic low providing excellent opportunities for developers. Commissioner Cribb suggested that incentives such as fee waivers or density bonuses would attract developers. Chair Felder and Commissioner Willers stated that the Commissioners needed policy direction from the Council. Commissioner Coleman reported that SB 1069, if passed, would authorize the City Council to approve the creation of 2nd units in single-family and multifamily residential zones. Commissioner Sek stated the need for additional housing. Commissioner McDonald said the City needed to encourage the development of all types of housing and research additional sources of revenue to assist in development of affordable housing. Mayor Cook stated the City just reinforced rent control for mobilehome parks and was addressing the issue of vacation rentals. Clm. Agrimonti stated the City had met a lot of its goals but were not meeting the demand for housing. She reported that Legal Aid was available to assist with tenant issues. Mayor Gallian stated her support of allowing homeowners to rent out a room as long as the owner resided on the property.

Mayor Gallian invited comments from the public. Mario Castillo encouraged that an additional meeting be held sooner rather than later and stated the need for affordable housing. Jay Abileli stated the City should also focus on developing employment opportunities. Bill Jasper stated the City needed to consider the financial impacts of development and potential revenue sources. Adam Copperman, SAHA, thanked the Council for holding the study session. Lynda Corrado suggested formation of a committee to get to some solutions. Victor Conforti stated that fees were a big obstacle for second units and suggested the City purchase apartment complexes to convert to affordable housing. Cynthia Broman, SOS, also mentioned that Santa Rosa had purchased and converted a hotel.

CONCURRENT CITY COUNCIL AND COUNCIL AS SUCCESSOR AGENCY MEETING

Mayor Gallian called the meeting to order at 7:00 p.m. Kathy King led the Pledge of Allegiance.

CITY COUNCILMEMBERS PRESENT: Hundley, Cook, Agrimonti, Edwards and Mayor Gallian
ABSENT: None

OTHERS PRESENT: City Manager Giovanatto, Assistant City Manager/City Clerk Johann, City Attorney Walter.

1. COMMENTS FROM THE PUBLIC

Dave Ransom requested an opportunity for his housing coalition to make a presentation to the City Council.

Kathy King, Executive Director of SOS, provided statistics and asked that the City expand the capacity of The Haven and allow for people to sleep in their cars.

Lynda Corrado asked that the Council create an ad hoc committee to address homelessness and housing needs.

2. MEETING DEDICATIONS - None

3. PRESENTATIONS

Item 3A: Recognition of Brandon Ruiz for his Senior Project - Purchase of a K9 Bite Suit

Deputy Jeff Sherman reported that Sonoma Valley High School student Brandon Ruiz chose to raise funds for the purchase of a bite suit for the Police Department K9 unit as his Senior Project. He explained that a bite suit was a padded suit worn by the K9 Deputy for his protection while training the K9 for a situation in which they would need to bite someone. The total cost of the suit was \$1,870.00. According to Deputy Jeff Sherman, Brandon approached him back in October for assistance with his senior project, which is a graduation requirement at SVHS. Brandon is interested in being a Peace Officer, with the goal of being a K9 Handler. He requested to shadow Deputy Sherman and for his project, show what a viable resource the K9's are to Law Enforcement. In addition to learning about K9's and how they work by attending a number of scheduled K9 Trainings, Brandon also needed to put in volunteer hours, which he did by standing outside Pet Food Express soliciting donations for a K9 Bite Suit for the Sonoma PD K9 Program. Mayor Gallian thanked Brandon and presented him with a certificate of appreciation.

4. CONSENT CALENDAR/AGENDA ORDER – CITY COUNCIL

Item 4A: Waive Further reading and Authorize Introduction and/or Adoption of Ordinances by Title Only.

Item 4B: Approval of the minutes of the May 2, 2016 City Council Meeting.

Item 4C: Authorization for City Manager to Execute a Purchase Agreement under a State Purchasing Contract for the purchase of a New (Replacement) Building Inspector Vehicle.

Item 4D: Adopt resolution of the City Council of the City of Sonoma authorizing on its behalf the submittal of a payment program application by a lead agency for the Beverage Container Recycling City / County Payment Program. (Res. No. 12-2016)

The public comment period opened and closed with none received. It was moved by Clm. Agrimonti, seconded by Clm. Hundley, to approve the consent calendar as presented. The motion carried unanimously.

5. CONSENT CALENDAR/AGENDA ORDER – CITY COUNCIL AS SUCCESSOR AGENCY

Item 5A: Approval of the portions of the minutes of the May 2, 2016 City Council meeting pertaining to the Successor Agency.

The public comment period opened and closed with none received. It was moved by Clm. Cook, seconded by Clm. Agrimonti, to approve the consent calendar as presented. The motion carried unanimously.

6. PUBLIC HEARING – None Scheduled

7. REGULAR CALENDAR – CITY COUNCIL

Item 7A: City Clerk Certification of Referendum Petition to Repeal Ordinance 01-2016 “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONOMA ADDING CHAPTER 9.60 TO THE SONOMA MUNICIPAL CODE TO REGULATE AND PROHIBIT THE USE OF LEAF BLOWERS WITHIN THE CITY’S LIMITS”.

On March 21, 2016 the City Council adopted Ordinance No. 01-2016 adding Chapter 9.60 to the Sonoma Municipal Code to regulate and prohibit the use of leaf blowers within the City’s limits. A referendum petition to repeal the ordinance in its entirety was filed with the City Clerk on April 14, 2016. The City Clerk determined that the referendum petition form met the statutory requirements of the Elections Code and based on a prima facie review contained enough signatures. It was therefore deemed to be officially filed on April 14, 2016. The City Clerk then submitted the petition to the Sonoma County Registrar of Voters Office (ROV) for signature verification and count. On May 3, 2016 the ROV provided verification that the petition contained 995 valid signatures which was a sufficient number of signatures to meet the requirements of Elections Code sec. 9237 (10% of registered voters). The City Clerk notified the referendum proponents of that determination. Pursuant to Elections Code Section 9114 the City Clerk (Election Official) must certify a sufficient petition to the City Council at the next regular meeting.

City Attorney Walter reported that the City Clerk had prepared a Certification of Referendum Petition to Repeal Ordinance 01-2016 “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONOMA ADDING CHAPTER 9.60 TO THE SONOMA MUNICIPAL CODE TO REGULATE AND PROHIBIT THE USE OF LEAF BLOWERS WITHIN THE CITY’S LIMITS” for Council to receive and file. He went on to explain the various options available to the Council adding that the law was vague and unspecific regarding the timeline for taking certain actions and that the ordinance adopted by Council was suspended.

Clm. Agrimonti confirmed that the 2013 leafblower use guidelines were not affected by the referendum and suspension of the adopted ordinance.

Mayor Gallian invited comments from the public. Jack Wagner, Mara Lee Ebert, Chris Petlock, and David Eichar spoke in support of placing the matter on the November ballot.

Clm. Cook stated he wanted the matter to be brought back at a future meeting and he would like to know the cost of a special election. Clm. Hundley and Clm. Edwards stated they wanted to see the measure on the November ballot and did not want to spend the money for a special election. It was moved by Clm. Hundley, seconded by Clm. Edwards, to direct staff to place the matter on the November 2016 ballot. The motion failed with the following vote: AYES: Edwards, Hundley. NOES: Cook, Agrimonti, Gallian.

It was moved by Clm. Cook, seconded by Clm. Agrimonti, to direct staff to bring the matter back explaining the Council’s options, who signs the arguments and the cost of a special election. The motion carried three to two, Edwards and Hundley cast the dissenting votes.

Item 7B: Discussion, Consideration and Possible Action on a First Reading of an Ordinance Regulating Second-Hand Smoke by Prohibiting Smoking in and Around Workplaces, Public Places and Multi-Unit Housing.

Assistant City Attorney Pistole reported that pursuant to Council direction provided at the March 21, 2016 meeting, staff had prepared a draft ordinance regulating smoking. She provided a summary and explanation of the proposed regulations and stated that if the ordinance was adopted it would not be in affect or enforced until the current regulations contained in the Municipal Code were repealed by a vote of the people at the November 2016 election.

Item 7B: Discussion, Consideration and Possible Action on a First Reading of an Ordinance Regulating Second-Hand Smoke by Prohibiting Smoking in and Around Workplaces, Public Places and Multi-Unit Housing, Continued

Mayor Gallian invited comments from the public. Robert Demler expressed support for the ordinance and asked that public rights of way and public parking garages be included as no smoking zones.

Chris Petlock stated that he supported the ordinance and added that it would need to be enforced.

Elizabeth Emerson, Laurie Bremner and Pam Granger thanked the City Council for compiling a comprehensive ordinance. Ms. Emerson stated that Sonoma County Health would support the program by serving as first responders, providing education and assisting landlords with the transition.

Clm. Hundley stated her support for not allowing any smoking on a public sidewalk and matching the County's "reasonable distance" of twenty-five feet.

Clm. Cook stated he wanted something that was enforceable and he could go along with banning smoking in multifamily housing and in public parks.

Mayor Gallian confirmed that smoking would be prohibited in underground parking garages and in public rights of way.

Clm. Agrimonti said her biggest concern was enforcement and pointed out that innocent nonsmokers were getting cancer because they were around smoke.

Mayor Gallian confirmed that smoking would be banned at outside public events on City-owned property.

It was moved by Clm. Hundley, seconded by Clm. Edwards to introduce the ordinance entitled AN ORDINANCE OF THE CITY OF SONOMA ADDING SECTION 7.24 TO THE MUNICIPAL CODE TO REGULATE SMOKING AND TOBACCO PRODUCT USE.

It was moved by Clm. Hundley, seconded by Clm. Agrimonti, to revise Sec. 7.24.040 REASONABLE SMOKING DISTANCE REQUIRED as shown: (a) Smoking in all Unenclosed Areas shall be prohibited within a Reasonable Distance from any doorway, window, opening, crack, or vent into an Enclosed Area in which Smoking is prohibited. ~~except while the Person Smoking is actively passing on the way to another destination.~~ (b) Smoking in Unenclosed Areas shall be prohibited within a Reasonable Distance from any Unenclosed Areas in which Smoking is prohibited under Sec. 7.24.030 of this chapter. ~~except while the Person Smoking is actively passing on the way to another destination and provided Smoke does not enter any Unenclosed Area in which Smoking is prohibited.~~ The motion carried four to one, Clm. Cook dissented.

It was moved by Clm. Agrimonti, seconded by Clm. Hundley to revise the definition of Reasonable Distance as shown: (j) "Reasonable Distance" means a distance of ~~twenty (20)~~ twenty-five (25) feet in any direction from an area in which Smoking is prohibited. The motion carried four to one, Clm. Cook dissented.

It was moved by Clm. Agrimonti, seconded by Clm. Edwards, to add outdoor dining areas to the list of areas where the use of smoking products is prohibited. The motion carried four to one, Clm. Cook dissented.

It was moved by Mayor Gallian, seconded by Clm. Edwards, to include all City streets and sidewalks as areas where the use of smoking products is prohibited. The motion carried four to one, Clm. Cook dissented.

Being put to a vote, the original motion, as amended, carried four to one, Clm. Cook dissented.

RECESS: The meeting recessed from 8:30 to 8:35 pm.

Item 7C: Discussion, Consideration and Possible Action to Establish a Decorum Policy for Public Meetings.

City Manager Giovanatto reported that Mayor Gallian had requested Council consideration of the establishment of a decorum policy for public meetings to see if a majority were interested in having a decorum policy developed.

Mayor Gallian invited comments from the public. Chris Petlock, CSEC Chair, supported the idea stating that the City could use some guidance and direction for its commissioners.

Elizabeth Emerson stated she was very familiar with the topic and offered to assist in the development of a decorum policy. Laurie Bremner, Jack Wagner, and Pam Granger also supported the idea.

It was moved by Clm. Agrimonti, seconded by Clm. Cook, to instruct staff to develop a public decorum policy and bring it back for Council consideration. The motion carried unanimously.

8. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY

9. COUNCILMEMBERS' REPORTS AND COMMENTS

Clm. Agrimonti reported on the North Bay Watershed, Mayors and Councilmembers meetings and attendance at the Coffee With a Cop and Farmers Market opening.

Clm. Cook reported on the Library Advisory Board and Sonoma Clean Power meetings.

Mayor Gallian reminded everyone of the Memorial Day celebration and Council goal setting session on May 23.

10. CITY MANAGER COMMENTS AND ANNOUNCEMENTS INCLUDING ANNOUNCEMENTS FROM SUCCESSOR AGENCY STAFF

City Manager Giovanatto announced the following: One hundred and eight comments had been received from the public for the Council Goal Setting meeting; Budget Workshop will be June 9; 23 grant applications were submitted; City achieved 31% water conservation level in April; and recruitment was underway for a CSEC Alternate and Library Commissioner.

11. COMMENTS FROM THE PUBLIC - None

12. PUBLIC COMMENTS REGARDING CLOSED SESSION - None

13. CLOSED SESSION

Council convened in closed session at 9:06 p.m. with all members present. City Manager Giovanatto and City Attorney Walter were also present.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

- Significant exposure to litigation pursuant to Cal. Gov't Code section 54956.9(d)(2): one potential case
- Initiation of litigation pursuant to Cal. Gov't Code section 54956.9(d)(4): one potential case

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Cal. Gov't Code section 54956.8. Property: Sebastiani Theater, 472 First Street East, Sonoma, CA. Agency negotiators: City Manager, Carol Giovanatto; City Attorney, Jeffrey Walter; City Planning Director, David Goodison. Negotiating party: David Seyranian, Sebastiani Building Investors, Inc., Sebastiani Theatre Foundation. Under negotiation: Price and terms of payment of lease.

14. RECONVENE IN OPEN SESSION & REPORT ON CLOSED SESSION

Council reconvened in open session and City Attorney Walter announced that no action had been taken other than direction provided to staff.

15. ADJOURNMENT

The meeting was adjourned at 9:48 p.m.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Sonoma City Council on the 6th day of June 2016.

Gay Johann
Assistant City Manager / City Clerk